

SOMERSET COUNTY COURT HOUSE,

THE STATE

VS

HENRY CARPENDER V. CARPENDER,

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THE STATE

VS

WILLIAM STEVENS.

Continuation of the testimony taken before
The Hon. Frank Cleary, at the Court House,
Somerville, N. J., on Tuesday the 17th day of
August, 1926.

APPEARANCES:

Alexander Simpson, Esq., Special Prosecutor

Francis Bergen, Esq., Prosecutor, for the
State.

Robert H. McCarter, Esq.,
Timothy M. Pfeiffer, Esq.,
Nathaniel J. Palzer, Esq., for the Defend-
ants.

MR. SIMPSON: Dr. Leahy?

COURT: The witness called does not seem to answer.

MR. SIMPSON: He wanted to be called first because he said he was not well and he wanted to get away.

COURT: Yes, that is so. He does not seem to be here as yet.

MR. SIMPSON: Then I will call Mr. Collins while I am waiting for him.

C H A R L E S A. C O L L I N S sworn as a witness
DIRECT EXAMINATION BY MR. SIMPSON:

MR. SIMPSON: I haven't the exhibits here.

Where is that scarf and the coat?

Q Where do you live Mr. Collins/

A South River, New Jersey.

Q What is your occupation?

A County Detective, Middlesex.

Q And how long have you been such County Detective?

A Five or six years.

Q Were you employed on this investigation of this murder
this Hall-Mills murder?

A I was.

Q And were you directed by anyone to go to Philadelphia
concerning a coat and a scarf which Mrs. Hall had sent
there to be died?

A I was.

Q Who directed you to go?

A The Chief, David, or the Prosecutor, I can't recall.

Q When did you go?

A On the 25th of September, 1932.

Q Did you have the scarf in your possession?

A I did not.

Q Did you have the coat in your possession?

A I did not.

Q What did you do when you got to Philadelphia - where did you go?

A I went to the Homicide Bureau of the Philadelphia Police Department.

Q Did you finally wind up at a dyeing establishment?

A I did.

Q What establishment?

A Borneau & Company.

Q What did you learn about a package that had been sent by Mrs. Hall to that company?

MR. MC CARTER: Can that be admissible, your Honor?

MR. STIMPSON: It was referred to in the cross examination of Mr. David, as to what Mr. Collins had been informed. Mr. David testified at length as to that. Therefore, it having been brought out by counsel on cross examination, I now want to show the facts about the inquiry which the

defense brought out in the cross examination of Mr. David.

MR. MC CARTER: We respectfully suggest that this witness cannot testify to a conversation he had in Philadelphia with some person there.

COURT: I may be wrong but I thought Mr. David said in answer to Mr. Pfeiffer's question, "You had better ask Mr. Collins about that, he will be here tomorrow."

MR. SIMPSON: That is so, and we produce Mr. Collins because Mr. David, not on cross examination but as a witness for them testified as to certain inquiries in Philadelphia about these garments which he was directly interrogated upon, with reference to this witness. They can't now shut the door in my face, having opened the door I now produce Mr. Collins to show what it was that they brought out from Mr. David.

COURT: If you state that testimony was given by Mr. David I will permit the question.

MR. SIMPSON: It was given.

MR. MC CARTER: Counsel has inaccurately stated ^{not} it was/cross examination. He was the state's witness and Mr. Pfeiffer asked Mr. David some questions on cross with respect to the dyed garments and he stated when the examination had reached the cross examination, he said with reference

to Mr. Collins, "Mr. Collins will be here tomorrow and you can ask him. I think anything that was said by Mr. David upon cross examination about Mr. Collins is competent, but not conversations in Philadelphia between Mr. Collins and persons in Philadelphia. If they want to prove anything about previous transactions between Mrs. Hall and the Philadelphia Dyer they can prove it by the people that had the transactions and by what they said.

MR. SIMPSON: It is novel to have one counsel conduct the cross examination and another to argue about it. This is the fact, which the General either does not see, which I doubt, or he obviously overlooks, which I doubt because he is too experienced a lawyer, that they have made David their own witness as to information which he received from Collins about conditions in Philadelphia, about a blood-stained coat. If Collins is not allowed to give his evidence in this inquiry, which is not a trial, which is just to advise your Honor about probable cause, it will be left in the shape David left it. On the contrary, if Mr. Collins will correct the testimony of David, then your Honor will be very well informed as to what the situation was.

MR. MC CARTER: But - -

MR. SIMPSON: Don't interrupt, pardon me. You

don't let me interrupt you and you are very cross when you are interrupted. If it is left in that situation you will go away with the idea that there are no blood stains on this coat; there might have been blood stains on these garments and the man there not have known it. I couldn't, of course do that unless they brought it out. If you will read the cross examination of Mr. Pfeiffer you will see that. I didn't object because I thought as the General thinks that the testimony of Collins as to Philadelphia would have been incompetent, but that it was made competent by the examination of Mr. Pfeiffer, which of course is not criticising him. He probably had his own reason for doing it.

COURT: (Reads testimony) Repeat the question.

Q (Question repeated) "What did you learn about a package that had been sent by Mrs. Hall to that company?"

MR. SIMPSON: Let me reframe the question.

COURT: I don't think that the question - -

Q (Interrupting the Court)

Q What was your report to Mr. David, What did you tell David?

COURT: David testified that he told - -

Q What did you report to Mr. David?

A I came back and reported I was informed by Mr. Fassard the manager of Borneau's concern that there was a tan

coat with a belt on it and a woolen scarf received from Mrs. Hall or Mrs. Reinhardt to be correct. I asked him if there was any marks on it, particularly blood. He said when a garment came in like that it was particularly examined so that if anything went wrong they wouldn't be held responsible. He said there was nothing of the kind. He said on the woolen scarf there might have been smatterings of blood that would not show up on the scarf and on the coat.

Q You made a statement about this conversation with David?

A Yes, sir.

MR. SIMPSON: Let me have his statement.

Q Did you report back to Mr. David that there was one blue woolen scarf to be dyed?

MR. MC CARTER: One moment - -

MR. SIMPSON: Let me finish my question, will you please.

Q That Mrs. E. W. Hall paid \$6.00 to dye the coat and \$1.50 for the scarf; that this statement was taken from Arthur Fassard, that he could not remember the articles, but if they were ordered dyed there would not have to be a record made. However, he said, there could have been a few blood stains on the same and they would not show up. But he said he did not remember anything about the condition of the goods and he also said Mrs. Hall had never had any work done at this establishment.

MR. MC CARTER: I object. He has already testi-

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fied about the fact. If he made a statement that coincides with the fact can he read the statement bodily from A to Z and ask him if he made that statement.

MR. SIMPSON: For this purpose. It is made to refresh his memory. He hasn't said anything in contradiction of this. But he has not given all the statement and for the purpose of refreshing his memory I have read in full a written statement which I have from him, so that he may refresh his memory and I ask him if "this is not what you reported." This is under the doctrine of those cases where you are surprised and you produce a statement to wipe the slate clean. I am not surprised by the witness but the witness has not given the conversation that he reported to Mr. David in full. That is what I want to get.

COURT: I think the only way is to lay a foundation for this by asking him if the statement he has already made or the testimony he has already given is all the statement he made to Mr. David. He has not said it was not. He has only gone into detail on that part of the conversation as to any marks found on the garments. You may ask the witness if that is all he remembers.

Q. Is that all, I don't mean what I have read to you, but what I asked you before, is that all you reported back to

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David?

A That is all, yes, sir.

Q What is all, this is all, or what you said before?

A What I am saying now.

Q Well, I am not - -

MR. MC CARTER: I object, one moment. May I be permitted to say something?

MR. SIMPSON: Your voice is very musical. I always like to hear you.

MR. MC CARTER: I think this is too serious a matter to have this farcical performance. I hope counsel for the State, dignified by the office of Assistant Attorney General of New Jersey would at least be fair and decent in this matter. What this man reported to David has nothing to do with this case. He went to Philadelphia and your Honor has permitted him to say what report he made and he said it without any question of failing to remember it or anything else. He has given his report, reported fully. Now counsel has read bodily some paper and your Honor has overruled that as of course your Honor would, and now he seeks to ask him some question. Whether he reported to David or not is not material. The point about the matter is that he went to Philadelphia and he has told us what occurred. What he reported to David has nothing to do with

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it. They can't take and introduce this man's statement as against us simply because he came back and made a report in writing, and if they want to refresh his memory as to any question, whether he told David something, or if he has some memorandum he can refer to it, and say so, but he can't by having reported to David, make competent what he told David.

MR. SIMPSON: I was going to say the General makes the implication that we are not decent - -

COURT: We won't discuss that.

MR. SIMPSON: We are trying to get at the facts. If there is any indecency is in a lawyer giving out a statement in a murder case which is being heard. Now as to his legal argument, if he has made any, he does not yet see the point. The point is that they brought out from David testimony, which if not explained might lead your Honor to believe that there were no blood stained garments sent to Philadelphia by Mrs. Hall. It is true that it is quite the customary thing to send things to be dyed. Now this statement he made is dated October 1st, 1922, and the answer he has given today is manifestly not a complete answer. I think I have a right to find out whether he remembers everything he said to Mr. Collins which was touched on by Mr. Pfeiffer. Mr. Pfeiffer did touch on blood stains; he did touch on the fact that she had also sent things there before, in

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that conversation, and that is what I want to meet through the witness. I will, however reframe the question so that if there is any doubt about the question's being proper, it can be ruled on.

Q Do you remember now, accurately, all you told Lieutenant David concerning blood stains on a garment or scarf and coat concerning whether you have ever said anything before concerning whether they could positively say whether there was blood stains on the garment. Have you told us all?

A I have.

MR. MC CARTER: I object to what he told David. It has nothing to do with it.

COURT: It was permitted on the cross examination of David in which David testified as to what report was made back by this man, by counsel for the defense, as to what this man had reported to David, and I take it this is offered for the purpose of corroborating that or denying it. For that purpose I will permit that question.

Q Will you tell us again all you remember on these three subjects you reported to David?

A I went to Philadelphia to Bornot Brothers, 17th and Chestnut Street, I think. I found out there was a scarf there, and a light coat with a belt on it, sent to that establishment to be dyed black. I asked them if there was any marks on them, and they checked it up and said no, if there

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was any marks on it, they would make a record of it in case in dyeing it went bad they would not be held responsible. They said there wasn't any marks on the coat, but on the scarf there might have been a few spatters that would not show up on the woolen scarf.

Q Have you told us everything you told Mr. David, about whether Mrs. Hall had sent anything there before?

A Mrs. Hall had not sent anything there before.

CROSS EXAMINATION BY MR. PFEIFFER:

Q Mr. Collins, since this testimony is in, will you tell us whether the man that you saw there told you of his own knowledge from an inspection of the scarf that there might be because he had seen the scarf or that there might be because they did not show up on a superficial examination?

A There might be because they did not show up on a superficial examination.

Q So that the man - what is his name?

MR. SIMPSON: Fassard.

Q So that this statement that the Prosecutor has put in, to the effect that somebody said that there might be stains on the scarf, was made by a man who never saw the scarf, so far as you were concerned?

A Exactly.

Q Now did you know whether Mrs. Hall, through Mrs. Edwin Carpenter, at the time of the death of Mrs. Hall's mother,

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Mrs. Stevens, had sent other garments to Bornot Company to be dyed by them on the occasion of her mother's death?

MR. SIMPSON: I object unless he investigated and reported it back to Detective David.

MR. PFEIFFER: I will change it, Senator.

Q If you found out whether that was the fact did you report it back to Detective David?

A I did not.

Q Did you make any inquiry whether the firm of A. F. Bornot and Company had received articles in previous years from Mrs. William Bearman or from Mrs. Edwin Carpenter or from Miss Julia Williams - -

MR. SIMPSON: I object. None of those people are concerned in this tragedy.

COURT: I will hear you, Mr. Pfeiffer.

MR. PFEIFFER: The point is, at the time of Mrs. Stevens' death, six or eight years prior to the death of Dr. Hall, Mrs. Hall, to the best of her recollection, through Mrs. Edwin Carpenter, sent various garments to A. F. Bornot and Company to be dyed. It had been her mother's practice, as she recalls, a considerable number of years, to send garments to be dyed to A. F. Bornot & Company because they had the reputation of doing the best dyeing for mourning garments, and there was no place in New Brunswick, at the time of Mr. Hall's

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death, and she asked Mrs. William Bearman to take these two garments to A. F. Bornot. Similarly, it is her recollection that she asked Mrs. Edwin Carpenter at the time of Mrs. Stevens' death some six years ago to send some garments there, which would account for the fact that they had no previous account with Mrs. Hall. I am not stating this as a fact. I am simply so informed. I am merely making the explanation to the Court.

COURT: The defect is this, however, and it is over objection, I don't think you have laid a foundation. That would have to come through Mrs. Hall that such was the fact, and then be corroborated by this witness.

MR. PFEIFFER: I think your Honor is entirely correct.

COURT: Objection sustained. I have heard your explanation as to why you have offered it, but I think the objection is good. Are you through, Mr. Pfeiffer?

MR. PFEIFFER: Yes.

FURTHER CROSS EXAMINATION BY MR. SIMPSON:

Q Did you report back to Mr. David when this stuff was sent and whether it was before the killing or after the killing?

A I can't say if I did, but it was after.